REMARKS

Claims 3-12 are pending in this case. Claims 3-12 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,449,476 to Hutchison in view of U.S. Patent No. 6,622,017 to Hoffman and further in view of U.S. Patent No. 6,317,755 to Rakers. By this Amendment, applicant amended claim 3 to remove informalities. Applicant respectfully traverses the rejection of claims 3-12 and requests reconsideration of the subject patent application in view of the following remarks.

In the Office Action, claims 3 -12 were rejected under § 103 over Hutchison in view of Hoffman and further in view of Rakers. This rejection is respectfully traversed.

Independent claims 3, 8 and 9 each require loading a bug fix patch into a volatile memory and then creating a backup of the bug fix patch in the same volatile memory. In other words, the claimed invention requires two copies of the same bug fix patch in the same volatile memory.

The Office Action acknowledges that "the combination of the teaching of Hutchison and Hoffman fails to teach means for copying the software features into the volatile memory to create a backup patch to be stored in the read only memory." (Office Action at p. 3.) To cure the deficiencies of Hutchison and Hoffman, the Office Action cites Rakers. Applicant respectfully traverses this rejection.

The cited portions in Rakers teach a smartcard having a processing element and a non-volatile memory segmented into a plurality of sectors including a backup memory buffer. The processing element stores a valid state of data from a memory location in the non-volatile memory into the backup memory buffer prior to a transaction. If the transaction is terminated prior to completion, the processing element restores the valid state of data from the backup memory buffer into the memory location, which is in the non-volatile memory. As a result, Rakers does not teach to create a second copy of the same data in the same volatile memory.

5/6

Application No.: 09/878,107   **Docket No.: H2041.0062/P062**

Therefore, even Rakers is combined with Hutchison and Hoffman as suggested in the Office Action, the resultant combination provides for only a single copy of the debugged control program stored in the backup memory buffer. Accordingly, the combination of the above cited references does not disclose creating a backup patch in the volatile memory by copying the patch already loaded in the volatile memory as recited in the claimed invention. Consequently, even if the above references can be combined as suggested in the Office Action, the combination does not disclose the claimed invention.
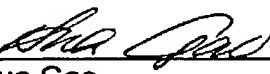
In view of the above, the claimed invention is not obvious over the cited references. Accordingly, withdrawal of the subject rejections is respectfully requested.

Applicant has shown that pending claims 3-12 are patentable over the cited art. Thus, each of the presently pending claims in this application is believed to be in immediate condition for allowance and such action is earnestly solicited.

No fee is believed to be due for this Response. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

Respectfully submitted,

Dated: <u>March 9, 2006</u>   By _____ (40.414)
                                     Hua Gao   Reg. No.: 40,414
                                     DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
                                     1177 Avenue of the Americas
                                     New York, New York 10036-2714
                                     (212) 835-1400
                                     Attorney for Applicant

6/6